(3)

# IN THE HIGH COURT OF JUDICATURE AT BILASPUR

## WRIT PETITION NO. 2310 OF 2001

**PETITIONER :** Shri Kalyan Singh Gabel S/o Shri Neelkanth Gabel aged about 53 years Occupation Govt Service Assistant Teacher posted at Primary School Turekela, Dist. Raigarh (C.G.)

**VERSUS**

**RESPONDENTS :**

(1) M.P. State Administrative Tribunal through the Registrar M.P. State Administrative Tribunal Dist. Raipur (C.G.)

(2) State of Chhattisgarh Through: Secretary School Education Department, D.K. Building Raipur (C.G.)

(3) Collector Raigarh, DistRaigarh (C.G.)

(4) Commissioner, Bilaspur Division Bilaspur.

(5) Head Master Primary School Turekela Block Kharsia Dist. Raigarh.

P.R. No. 2311/01

**WRIT PETITION U/A 226/227 OF THE CONSITITUTION OF INDIA**

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(38)

# आदेश पत्रक

W.P. No. 2310/01

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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DB: Hon'ble Mr. Justice W.A.Shishak,C.J.
& Hon'ble Mr. Justice Fakhruddin,J.

7.12.2001

Petitioner by Shri Awadh Tripathi, Adv.

State by Dr. N.K.Shukla, Deputy Advocate General with Shri Gautam Bhaduri, Govt. Advocate.

Heard finally with the consent of the parties along with other connected matters analogously.

It is pointed out that earlier in Writ Petition No. 1343 of 2001 ( Chhattisgarh Tratiya Warg Shaskiya Karmachari Sangh Vs. State of Chhattisgarh & others) learned Single Bench of this Court had passed order on 20.8.2001 with some observations. Learned Single Bench of this Court has also passed orders in the petitions filed by the individuals.

After passing of the orders by learned Single Bench of this Court some of the petitioners approached the State Govt./competent authority by making representations and some have approached the Commissioner as was directed in the order.

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(39)

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Feeling aggrieved by the decision on their representations some of them approached the State Administrative Tribunal by filing Original Applications. Learned State Administrative Tribunal passed individual orders in each of the petition. Against the order passed by the State Administrative Tribunal the petitioners have filed petitions before this Court.

The matter relates to policy of rationalization of transfer and posting of teachers of Primary and Middle Schools. The education session is going on. The order of transfer and posting by which some of the persons/teachers are aggrieved is of the month of July 2001. From that time the teachers are litigating in Courts, the education of the students is affecting in absence of teachers. Dr Shukla submits that in some schools there is no teacher and in some schools there is only one teacher/ hence no teaching is being carried on and the

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transferred teachers should join at their place of posting so that interest of the students, institution and petitioners may be safeguarded.

We have given our thoughtful consideration on all the aspects of the matter. In the best interest of the students, institutions and petitioners whose cases have already been scrutinized and that the transfer being exigency of service, the rationalization is being carried on in the larger public interest as well as in the interest of education in this tribal State, no case for interference is made out at this stage.

Having thus considered the facts and circumstances of the case it is just and proper that a direction be issued that those who, including the petitioners, have not joined their place of posting to join immediately latest by 15th December, 2001 at their respective place of posting, work for a month or so in order to know the ground realities and situation and if

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**आदेश पत्रक**

मामला क्रमांक W.P. No. 2310/01 सन् 200

विरुद्ध

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thereafter certain difficulties/problems do arise then it will be open to them to make a representation with details and documents to the State Government and if required may approach this Court for redressal of their grievances or difficulties as the situation may warrant including transfer/adjustment.

With the above direction this petition is disposed of.

A copy of this order be placed on record of other connected matters.

Certified copy, as per Rules.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge